

change dependency from cancelled claim 12 to pending claim 4. No other claims have been amended. No claims have been added.

Another version of the amended claims, showing the changes relative to the previous version, is appended. Additions are shown by underlining. Deletions are shown by strikethrough rather than bracketing since the claims may contain bracketing that is to remain. No new matter has been added.

It is respectfully submitted that all the claims submitted for reconsideration are in good formal order. Reconsideration and withdrawal of the rejection of claims 3, 17 and 18 under 35 U.S.C. §112, second paragraph is therefore solicited.

Claims 1-11 and 17-20 are rejected under 35 U.S.C. § 102(b) as being anticipated U.S. Patent No. 6,262,141 ("Cywar et al."). Applicants respectfully traverse this rejection for the reasons that follow.

Cywar et al. issued on an application filed on October 6, 1999, which is slightly earlier than the filing date of applicants' GB priority document. Accordingly applicants submit a very comprehensive Declaration Under Rule 1.131 attesting to documented laboratory notebook records that conclusively establish a date of invention in Great Britain at a date prior to October 6, 1999, the effective date of U.S. Patent No. 6,262,141. The examiner is respectfully requested to consider said declaration and to reconsider and withdraw the rejection of claims 1-11 and 17-20 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,262,141 in light thereof.

✓ Applicants note that the Declaration is a telefax copy of a document presently in transit from Great Britain to the undersigned. Said document will be retained in the file of this Case and will gladly be furnished to the PTO upon request.

✓ The Examiner rejects product by process claims 19 and 20 under 35 U.S.C. 102(b) as being unpatentable over U.S. Patent No. 5,185,385 ("Kanlun et al."), published European patent application 2,990,814 ("EP '814"), U.S. Patent No. 5,800,685 ("Perrault"), and U.S. Patent No. 5,756,574 ("Baumstark et al."). The examiner acknowledges that the prior art polymers are produced by different process steps, but alleges that they would not be expected to be materially different in structure or properties from the instantly claimed products. Applicants respectfully traverse each of these rejections for the reasons that follow.

Claims 19 and 20 are directed to a water soluble or water swellable polymer obtained by a method according to claim 1 or claim 4, i.e. by a specific 2 step process which produces a polymer in which the amount of residual monomer is below 100 ppm. This is becoming increasingly important for environmental and health reasons, particularly for acrylamide, a known neurotoxin. *Arguendo*, a water soluble or water swellable polymer obtained by a method according to claim 1 or claim 4 would be similar in structure and in many properties to those of the prior art. However, As the Court pointed out in *Scripps Clinic & Research Foundation v. Genentech Inc.*, 18 USPQ 2d 1001, 1010 (Fed. Cir. 1991):

Invalidity for anticipation requires that all of the elements and limitations of the claim are found within a single prior art reference. There must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention.

The essential limit of the rejected claims is an amount of residual monomer that is below 100 ppm. This limitation of the claims is not found within any of the cited references. The present rejection is therefore based on speculation, not fact.

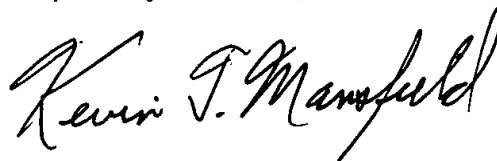
Applicants respectfully direct the examiner's attention to the amount of residual monomer in the Tables on page 13 wherein a conventional polymerization, but omitting step c) is carried out. It is typically 4 to 10 times higher than 100 ppm. No scientific basis or line of reasoning has been set forth to reasonably expect that the prior art polymers would have a residual monomer amount of less than 100 ppm. Reconsideration and withdrawal of the rejection of claims 19 and 20 under 35 U.S.C. 102(b) as being unpatentable over U.S. Patent No. 5,185,385 ("Kanluen et al."), published European patent application 2,990,814 ("EP '814"), U.S. Patent No. 5,800,685 ("Perrault"), and U.S. Patent No. 5,756,574 ("Baumstark et al.") is therefore respectfully solicited in light of the remarks *supra*.

The examiner rejects claims 1-11 and 17-20 under 35 U.S.C. 103 as being unpatentable over EP '814 in view of Cywar. The examiner asserts that EP '814 discloses the claimed process except for the step of adding the ultraviolet initiator to the monomer mixture, which is of course the most critical feature. The Examiner cites Cywar as teaching this feature. However, since Cywar, as discussed *supra*, is not available as prior art, it cannot be used as a basis of rejection. Reconsideration and withdrawal of this ground of rejection is therefore seen to be in order.

Since there are no other grounds of objection or rejection, passage of this application to issue with claims 1-11 and 17-20 is earnestly solicited.

Applicants submit that the present application is in condition for allowance. In the event that minor amendments will further prosecution, Applicants request that the examiner contact the undersigned representative.

Respectfully submitted,

A handwritten signature in black ink, reading "Kevin T. Mansfield". The signature is written in a cursive, flowing style with a large initial 'K' and 'M'.

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Enclosures: Petition for Extension of Time, Rule 131 Declaration

APPENDIX: Marked up version of amended claims.

3. (twice amended) A process according to claim 1 in which the polymer in step (c) is subjected to ultraviolet light radiation at an intensity of up to 500 milliWatts/cm².
17. (amended) A process of preparing water soluble or water swellable polymer comprising the steps,
- (a) forming an aqueous mixture comprising,
 - (i) a water soluble ethylenically unsaturated monomer or blend of monomers and,
 - (ii) an ultra violet initiator,
 - (b) effecting polymerisation by subjecting the aqueous mixture formed in step (a) to polymerisation conditions to form a polymer of said monomer or monomer blend,
 - (c) subjecting the polymer formed in step (b) to ultra violet light radiation at an intensity of up to 500 milli Watts/cm²,
- characterised in that the polymerisation step (b) is conducted substantially in the absence of ultra violet radiation.
18. (amended) A process according to claim 17 in which the ultra violet light radiation is at an intensity of up to 50 milli Watts/cm².
20. (amended) A water soluble or water swellable polymer obtained by a method according to claim 442 in which the amount of residual monomer is below 100 ppm.